



W.P.No.6394 of 2002

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 25.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6394 of 2002

Kwality Spinning Mills Ltd.,
Regd.Off, at Mills, Udumalpet Road,
PB.No.27, Pollachi 642 003.
Coimbatore Dist.

... Petitioner

Vs.

- 1.The Board of Industrial &
Financial Rehabilitation, 22-D, Manzil,
Jawahar Vyapar Marg,
1, Tolstoy Marg, New Delhi.
- 2.The Appellate Authority for
Industrial & Financial Reconstruction,
10th Floor, Jeevan Prakash,
26, Kasturbai Gandhi Marg,
New Delhi -1.
- 3.Industrial Development Bank of India
(Operating Agency) IDBI Tower,
Cuffe Parade Mumbai.
- 4.Industrial Finance Corpn of India



W.P.No.6394 of 2002

(Operating Agency) IDBI Tower,
Nehru Place, New Delhi 19.

WEB COPY

5.Industrial Investment Bank of India
19, Nethaji Subash Road
Calcutta-1.

6.Industrial Credit Investment
Corpn of India, 163, Backbay Reclamation,
Mumbai-2.

7.Syndicate Bank
Head Office, P.B.No.1,
Manipal.576 119.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned orders of the Appellate Authority for Industrial & Financial Reconstruction, New Delhi, the second respondent herein dated 12.12.2001 in Appeal No.338 of 2001 confirming the order of the Board for Industrial & Financial Rehabilitation, New Delhi, the first respondent herein, dated 28.08.2001 in Case No.204 of 1997 quash the same and pass such further or other orders as this Court may deem fit and proper in these circumstances.

For Petitioner : Mr.T.S.Baskar
For Respondents : Mr.Rangarajan for R3 to R5
Mr.P.L.Narayanan for R7
R1, R2 & R6 – No appearance



W.P.No.6394 of 2002

ORDER

WEB COPY

This Writ Petition is filed challenging the order passed by the Appellate Authority for Industrial & Financial Reconstruction, New Delhi, made in Appeal No.338 of 2001 dated 12.12.2001 confirming the order of Board of Industrial and Financial Reconstruction, New Delhi, passed in Case No.204 of 1997 dated 28.08.2001 in and by which, the petitioner's Company was held to be a sick unit incapable of being revived and ordered to be wound up.

2. When the matter came up for hearing, the learned counsel appearing on behalf of the respondent would submit that on verification of the website of the Ministry of Corporate Affairs, it is seen that the petitioner's Company is thriving as on date and is not been wound up.

3. The learned counsel appearing on behalf of the petitioner Company would submit that the financial creditors at whose behest the order of winding up was passed, namely the respondents 3 to 7 herein have been settled before the Board of Industrial & Financial Reconstruction, New Delhi._



W.P.No.6394 of 2002

WEB COPY

4. In view of the said submission made by the learned counsel for the petitioner, the impugned order passed by the respondents 1 and 2 cannot be sustained. On the assertion made on behalf of the petitioner Company that since the financial creditors have been settled and the company being in existence till date, the Writ Petition is disposed on the following terms:

the impugned order of the Appellate Authority for Industrial and Financial Reconstruction, New Delhi, the second respondent made in Appeal No.338 of 2001, dated 12.12.2001, confirming the order of the Board of Industrial and Financial Reconstruction, New Delhi, the first respondent herein in Case No.204 of 1997 date 28.01.2001 shall stand set aside.

No costs.

25.11.2024

Neutral Citation: No
dna



W.P.No.6394 of 2002

To

WEB COPY

- 1.The Board of Industrial & Financial Rehabilitation, 22-D, Manzil, Jawahar Vyapar Marg, 1, Tolstoy Marg, New Delhi.
- 2.The Appellate Authority for Industrial & Financial Reconstruction, 10th Floor, Jeevan Prakash, 26, Kasturbai Gandhi Marg, New Delhi -1.
- 3.The Industrial Development Bank of India (Operating Agency) IDBI Tower, Cuffe Parade Mumbai.
- 4.The Industrial Finance Corpn of India (Operating Agency) IDBI Tower, Nehru Place, New Delhi 19.
- 5.The Industrial Investment Bank of India 19, Nethaji Subash Road Calcutta-1.
- 6.The Industrial Credit Investment Corpn of India, 163, Backbay Reclamation, Mumbai-2.
- 7.The Syndicate Bank Head Office, P.B.No.1, Manipal.576 119.



WEB COPY



W.P.No.6394 of 2002

D.BHARATHA CHAKRAVARTHY, J.
dna

W.P.No.6394 of 2002

25.11.2024